

## **CHAPTER 4-12-02**

### **PROCUREMENT ORGANIZATION AND LEADERSHIP**

#### **Section**

4-12-02-01	State Procurement Office
4-12-02-02	Duties and Functions of the State Procurement Office
4-12-02-03	Procurement Advisory Council

#### **4-12-02-01. State procurement office.**

1. The state procurement office within the office of management and budget is responsible for carrying out the duties, powers, and responsibilities involved with the operation of a centralized purchasing service.
2. The state procurement office is headed by the state procurement manager who serves as the central procurement officer of the state and is responsible for the state procurement office as it exercises its duties and functions.

**History:** Effective August 1, 2004.

**General Authority:** NDCC 54-44-03, 54-44-04, 54-44.4-04

**Law Implemented:** NDCC 54-44-04, 54-44.4-02, 54-44.4-04

**4-12-02-02. Duties and functions of the state procurement office.** The state procurement manager or designee shall:

1. Adopt policies, procedures, guidelines, and standards consistent with the laws and rules governing the procurement of commodities and services.
2. Procure or supervise the procurement of all commodities and services needed by the state, except those exempted by state law or the director's written directive.
3. Manage the delegation of procurement authority.
4. Conduct periodic reviews of procurements made by state agencies and institutions with delegated authority to ensure compliance with state laws and rules and office of management and budget written directives related to procurement.
5. Make written determinations regarding procurement issues, including exemptions, emergency purchases, restriction of competition, use of federal contracts, cooperative purchasing agreements, vendor responsibility, suspension or debarment of vendors from the state bidders list, and appeals of protest decisions.

6. Collect statistical data from each state agency and institution concerning the procurement of commodities and services.
7. Establish procurement education and training programs for state employees.
8. Develop standard forms, terms and conditions for solicitations, purchase orders, amendments, and contract administration tasks in consultation with the attorney general.
9. Work with state agencies and institutions and vendors to establish effective and economical state contracts for the procurement of commodities and services of common use, which may be made mandatory for use by state agencies and institutions.
10. Coordinate with agencies and institutions governed by the state board of higher education to identify commodities or services of high common usage suitable for joint purchase.
11. Coordinate with political subdivisions to cooperatively purchase commodities or services when determined to be beneficial to the state and political subdivisions.

**History:** Effective August 1, 2004.

**General Authority:** NDCC 54-44-04, 54-44.4-04

**Law Implemented:** NDCC 44-08-01, 54-44-03, 54-44-04, 54-44.4-02, 54-44.4-02.1, 54-44.4-04, 54-44.4-05, 54-44.4-09, 54-44.4-10, 54-44.4-12

**4-12-02-03. Procurement advisory council.** A procurement advisory council, appointed by the director and headed by the state procurement manager, shall meet at least twice per year for the discussion of procurement practices and recommendations for improvement of the state procurement process. The committee advises the state procurement manager regarding statewide procurement policies, standards, and guidelines.

**History:** Effective August 1, 2004.

**General Authority:** NDCC 54-44-04, 54-44.4-04

**Law Implemented:** NDCC 54-44-04, 54-44.4-01, 54-44.4-02, 54-44.4-02.1, 54-44.4-04